

5-13-02

3762



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Mueller et al.  
SERIAL NO.: 09/706,583  
FILED: November 3, 2000  
FOR: METHOD AND MONITOR FOR ENHANCING ANGIOGENESIS IN THE HEART BY EXERCISE FOLLOWUP

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#4

Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))

REQUEST FOR PERMISSION TO WITHDRAW

1. I, the patent attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

(complete the following item, if appropriate)

☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under

☐ 37 C.F.R. § 1.60(b),

☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

- ☐ inventor(s)
- ☒ assignee of the entire interest is

MicroHeart, Inc., 2634 Bayshore Parkway, Mountain View, CA 94043

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c).

*Explanation (including brief description of exhibits, if any):*

Email letter from Scott Bluni of Boston Scientific instructing transfer of all files to Penfile & Edmonds. Copy of the letter is enclosed herewith.

*[Signature]*  
APPROVED  
JOHN E. KITTLE  
DIRECTOR  
5/24/02  
TECHNOLOGY CENTER 3700 & 2900

**ALLOWANCE OF TIME FOR CLIENT TO ACT**

4. Status of this Application

A. Response due (if any)

- (i) ☒ There is no outstanding term for response.
- (ii) ☐ There is an outstanding term for response that was set to expire on

The above term is extendible under 37 C.F.R. § 1.136(a), until \*.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

- ☐ at least three months.
- ☒ cannot be calculated because this case is awaiting action by the PTO.

**NOTIFICATION OF CLIENT**

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

*Note: A practitioner shall not withdraw from employment without giving due notice to his or her client, 37 C.F.R. § 10.40(a).*

**NUMBER OF COPIES OF REQUEST**

6. This request is enclosed in triplicate.

*Note: To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies.) Notice of September 3, 1985 (1058 O.G. 32).*

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is requested in the following related application of the:

(check all applicable items)

- ☐ inventor(s):
- ☐ assignee:
- ☐ common representative:

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

*Note: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6<sup>th</sup> ed., rev. 3.*

**8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)**

STEPHEN E. ARNETT, Registration No. 47,392; BRETON A. BOCCHIERI, Registration No. 31,739; MICHAEL D. BROADDUS, Registration No. 41,637; BARBARA B. COURTNEY, Registration No. 42,442; CHRISTOPHER DALEY-WATSON, Registration No. 34,807; **PETER J. DEHLINGER, Registration No. 28,006**; SCOTT EADS, Registration No. 41,726; LEEANN GORTHEY, Registration No. 37,337; RICHARD L. GREGORY, JR., Registration No. 42,607; CATHERINE HONG TRAN, Registration No. 43,960; EDWARD S. HOTCHKISS, Registration No. 33,904; KAREN Y. HUI, Registration No. 44,785; MICHELLE L. JOHNSON, Registration No. 36,352; STEVEN D. LAWRENZ, Registration No. 37,376; KATHERINE D. LEE, Registration No. 44,865; JACQUELINE F. MAHONEY, Registration No. 48,390; MICHAEL C. MARTENSEN, Registration No. 46,901; JUDY M. MOHR, Registration No. 38,563; CHUN NG, Registration No. 36,878; CHIHANG A. NG SMITH, Registration No. 42,931; JAMES NICKELSON, Registration No. 46,140; PAUL T. PARKER, Registration No. 38,264; MAURICE J. PIRIO, Registration No. 33,273; JERRY A. RIEDINGER, Registration No. 30,582; KARL SUN, Registration No. 45,143; MARK A. THOMAS, Registration No. 37,953; LARRY W. THROWER, Registration No. 47,994; JOHN M. WECHKIN, Registration No. 42,216; JAMES A.D. WHITE, Registration No. 43,985; and ROBERT G. WOOLSTON, Registration No. 37,263; all affiliated with Perkins Coie LLP.

*Peter J. Dehlinger 05-06-02*  
Signature of authorized attorney signing on behalf of all attorneys withdrawing

**Peter J. Dehlinger, Registration No. 28,006**

Correspondence Address:  
Customer No. 22918  
Phone: 650 838-4401

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Anderson, Lynnea - MP

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From: Anderson, Lynnea - MP on behalf of Dehlinger, Peter - MP  
Sent: Thursday, May 02, 2002 10:04 AM  
To: Anderson, Lynnea - MP  
Subject: FW: Transfer of Microheart Files



-----Original Message-----

From: Bluni, Scott [mailto:blunis@bsci.com]  
Sent: Thursday, May 02, 2002 6:28 AM  
To: Dehlinger, Peter - MP  
Cc: Gidon S. Stern (E-mail); Dyer, Cathleen; Stoffels, Teresa  
Subject: Transfer of Microheart Files

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Peter,

Please transfer all of the Microheart patent files to Don Stern, Pennie & Edmonds, 1155 Avenue of the Americas, New York, NY 10036.

If you also handle Microheart trademark matters, please transfer your files to Michelle Anderson, Nawrocki, Rooney & Sivertson, Broadway Place East, Suite 401, 3433 Broadway Street NE, Minneapolis, MN 55413.

Please provide a listing of all matters being transferred to both me and the recipients. Also, please take care of any matters that require immediate attention, and/or alert the recipients to such matters.

Thank you for your assistance in this matter.

Regards,  
Scott

Attorney - Client Privileged Communication

The information in this transmittal is privileged and confidential and is intended only for the recipient(s) listed above. Any unauthorized distribution or copying of this transmittal or its attachments, if any, is prohibited.



## PERKINS COIE LLP

101 JEFFERSON DRIVE • MENLO PARK, CALIFORNIA 94025-1114

TELEPHONE: 650 838-4300 • FACSIMILE: 650 838-4350

PETER J. DEHLINGER  
(650) 838-4401  
dehlp@perkinscoie.com

May 6, 2002  
Via Federal Express

Don Stern, Esq.  
Pennie & Edmonds  
1155 Avenue of the Americas  
New York, NY 10036

Re: Transfer of all U.S. Patent Files  
for MicroHeart, Inc.

Dear Mr. Stern:

We are in receipt of an email letter from you dated 2 May 2002 requesting that all of the MicroHeart files be transferred to you for further handling.

Accordingly, enclosed you will find files and docket listings for the following thirty-four patent applications:

Attorney Docket No.	Serial/Patent No.	Filing/Issue Date	Title
5756-0001	09/080,175/6,183,444	5-16-99/2-6-01	Drug Delivery Module
5756-0001.30	09/314,459/6,309,375	5-18-99/10-30-01	Drug Delivery Module
5756-0002	not filed	not filed	Flexible Conduit for Organ Treatment
5756-0003	not filed	not filed	Ultrasound Crystals for Tracking Wall Motion
5756-0004	60/137,265	6-2-99	High Pressure Infusion
5756-0004.30	09/585,983	6-2-00	Devices and Methods for Delivering a Drug
5756-0004.31	60/340,980	12-7-01	Method and Apparatus for Treatment of Atrial Fibrillation
5756-0004.32	10/099,528	3-14-02	Method and Apparatus for Treatment of Atrial Fibrillation
5756-0005	60/133,179	5-7-99	Apparatus and Method for Delivery of Therapeutic and Diagnostic Agents
5756-0005.30	09/566,196	5-5-00	Apparatus and Method for Delivery of Therapeutic and Diagnostic Agents
5756-0006	60/163,698	11-5-99	Method and Devices for Heart Treatment
5756-0006.30	09/706,584	11-3-00	Method and Devices for Heart Treatment
5756-0007	60,163,699	11-5-99	Method and Skiving Tool for Improving Vasculature in the Heart by Stimulating Angiogenesis in the Endocardial Layer and Adjacent Myocardial Layer in the Ventricular
5756-0008	60/163,701	11-5-99	Method and Monitor for Enhancing Angiogenesis in the Heart by Exercise Followup
5756-0008.30	09/706,583	11-3-00	Method and Monitor for Enhancing Angiogenesis in the Heart by Exercise Followup
5756-0009	60/164,080	11-5-99	Method and Apparatus for Recurrent Demand Injury in Stimulating Angiogenesis

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5756-0009.30	09/706,343	11-3-00	Method and Apparatus for Recurrent Demand Injury in Stimulating Angiogenesis
5756-0010	60/163,704	11-5-99	Method and Apparatus for Demand Injury in Stimulating Angiogenesis
5756-0010.30	09/706,016	11-3-00	Method and Apparatus for Demand Injury in Stimulating Angiogenesis
5756-0011	60/191,610	3-23-00	Force Contact Transducer
5756-0011.30	09/816,708	3-23-01	Pressure Sensor for Therapeutic Delivery Device and Method
5756-0012	60/191,777	3-24-00	Photoatherolytic Catheter Apparatus and Method
5756-0012.30	09/816,832	3-22-01	Photoatherolytic Catheter Apparatus and Method
5756-0013	60/214,053	6-26-00	Method and Apparatus for Treating Ischemic Tissue
5756-0013.30	09/891,715	6-26-01	Method and Apparatus for Treating Ischemic Tissue
5756-0014	60/208,751	6-2-00	Steerable Catheter
5756-0014	not filed	not filed	Controlled Drug Release in Venous System
5756-0016	60/275,923	3-14-01	Sensor Device and Apparatus for Affecting a Body Tissue at an Internal Target Region
5756-0016.20	60/327,053	3-14-01	Sensor Device and Apparatus for Affecting a Body Tissue at an Internal Target Region
5756-0017	09/552,398	4-16-00	Devices and Methods for the Delivery and Injection of Therapeutic and Diagnostic Agents to a Target Site within a Body
5756-0017.30	09/552,401	4-19-00	Devices and Methods for the Delivery and Injection of Therapeutic and Diagnostic Agents to a Target Site within a Body
5756-0017.31	09/552,406	4-19-00	Devices and Methods for the Delivery and Injection of Therapeutic and Diagnostic Agents to a Target Site within a Body
5756-0017.32	09/552,405	4-19-00	Devices and Methods for the Delivery and Injection of Therapeutic and Diagnostic Agents to a Target Site within a Body

Additionally, we have filed a Request for Permission to Withdraw as Attorney under 37 CFR §10.40(c) in each of the pending applications.

By signing, dating, and returning the copy of this letter, you agree to assume all responsibility for further actions required in these cases.

If you have any questions, please contact our offices.

Yours very truly,

*Peter J. Dehlinger*  
Peter J. Dehlinger

PJD/lba

Enc.

cc: Richard Mueller

Acknowledgement of Receipt:

By: \_\_\_\_\_ Date: \_\_\_\_\_